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19 Alan Shinderman and *Aspen Asset Management Services, LLC*

20 **UNITED STATES DISTRICT COURT**

21 **DISTRICT OF NEVADA**

22 SECURITIES AND EXCHANGE  
23 COMMISSION,

24 Case No. 2:23-cv-00288-APG-DJA

25 **STIPULATION AND ORDER TO**  
26 **EXTEND EXPERT AND REBUTTAL**  
27 **EXPERT WITNESS DISCLOSURE**  
28 **DEADLINES (FIRST REQUEST)**

15 Plaintiff,

16 vs.

17 MARKMAN BIOLOGICS CORP. and  
18 ALAN SHINDERMAN,

19 Defendant,

20 and

21 ASPEN ASSET MANAGEMENT  
22 SERVICES, LLC

23 Relief Defendant

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1   **STIPULATION AND ORDER TO EXTEND EXPERT AND REBUTTAL EXPERT**  
2   **WITNESS DISCLOSURE DEADLINES**  
3   **(FIRST REQUEST)**

4              Defendants Markman Biologics Corp. and Alan Shinderman (collectively, the  
5   “Defendants”) and Relief Defendant Aspen Asset Management Services, LLC (the “Relief  
6   Defendant” and, collectively with Defendants, the “Responding Defendants”), by and through  
7   their undersigned counsel of record, and Plaintiff, Securities and Exchange Commission  
8   (“SEC”), by and through their undersigned counsel of record, hereby stipulate and agree to  
9   extend the expert witness disclosure and rebuttal expert witness disclosure deadlines an  
10   additional forty-five (45) days. This Stipulation is being entered in good faith and not for  
11   purposes of delay.

12   **I.    STATUS OF PROCEDURAL HISTORY.**

13   1.       On February 23, 2023, Plaintiff filed a Complaint (ECF No. 1).  
14   2.       On May 5, 2023, Defendants filed an Answer (ECF No. 2).  
15   3.       On May 26, 2023, Plaintiff filed a Motion to Strike Certain Affirmative  
16   Defenses and Construe Certain Affirmative Defenses as Denials (ECF No. 12).

17   4.       On June 9, 2023, Defendants and Relief Defendant filed an Opposition to  
18   Plaintiff’s Motion to Strike (ECF No. 15).

19   5.       On June 15, 2023, the Parties filed their Stipulated Discovery Plan and  
20   Scheduling Order (ECF No. 16).

21   6.       On June 16, 2023, Plaintiff filed its Reply Brief in Support of Motion to Strike  
22   Certain Affirmative Defenses and Construe Certain Affirmative Defenses as Denials (ECF  
23   No. 17).

24   7.       On June 16, 2023, the Court granted the Parties’ Stipulated Discovery Plan and  
25   Scheduling Order (ECF No. 18).

26   8.       On July 27, 2023, the Parties filed a Stipulation and [Proposed] Protective  
27   Order (ECF No. 20).

28   9.       On July 31, 2023 the Court granted the Stipulation and Protective Order (ECF  
29   No. 21).

1   **II. HISTORY OF DISCOVERY**

2       1.     The Responding Defendants are considering retaining expert witnesses. If they  
 3 do so, then the Plaintiff may retain rebuttal expert witnesses.

4   **III. DISCOVERY THAT REMAINS TO BE COMPLETED.**

5       1.     The Parties need to disclose any expert witnesses and rebuttal expert witnesses  
 6 which they retain.

7       2.     Should the Parties retain expert witnesses, the Parties will need to depose the  
 8 other Parties' experts.

9   **IV. SPECIFIC DESCRIPTION OF WHY EXTENSION IS NECESSARY.**

10      The Responding Defendants are considering retaining one or more expert witnesses.  
 11 In that discovery has just begun -- and the case issues are complex, implicating, among other  
 12 issues, the "bad actor" rule in connection with the registration exemptions set forth in Rule  
 13 506 of Regulation D of the Securities Act [17 C.F.R. § 230.506(d)], and the advice of counsel  
 14 defense -- the Responding Defendants have not yet been able to determine which, if any,  
 15 expert witnesses they will need to retain in this action. Accordingly, the Responding  
 16 Defendants need additional time to determine whether or not they will be retaining expert  
 17 witnesses. The Responding Defendants believe that an additional forty-five (45) days after the  
 18 current expert witness disclosure deadline of September 1, 2023, will be sufficient time to  
 19 enable them to determine whether or not they will be retaining expert witnesses, and to  
 20 disclose any such witnesses. Should the Responding Defendants retain expert witnesses, then  
 21 Plaintiff will need additional time to retain and disclose any rebuttal expert witnesses, and  
 22 Plaintiff believes that an additional forty-five (45) days after the current deadline of September  
 23 28, 2023 for the rebuttal expert witness disclosure should be sufficient.

24   **V. PROPOSED SCHEDULE FOR COMPLETING THE EXPERT AND  
 REBUTTAL EXPERT WITNESS DISCLOSURE DEADLINES**

	<b>Current Deadline</b>	<b>Proposed New Deadline</b>
Expert Witness Disclosure	September 1, 2023	<b>October 16, 2023</b>
Rebuttal Expert Witness Disclosure	September 28, 2023	<b>November 15, 2023</b>

Based on the foregoing Stipulation and proposed expert witness and rebuttal expert witness disclosure deadlines plan, the Parties request that the expert witness disclosure and rebuttal expert witness disclosure deadlines be extended an additional forty-five (45) days so that the Parties may efficiently manage expert and rebuttal expert witness disclosures.

**STIPULATED AND AGREED TO:**

Dated this 1<sup>st</sup> day of September, 2023

Dated this 1st day of September, 2023

## MARQUIS AURBACH

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*Attorneys for Defendants Markman Biologics Corp., Alan Shinderman and Aspen Asset Management Services, LLC*

DATED: 9/5/2023

IT IS SO ORDERED.

United States District Court M

United States District Court Magistrate Judge